



PATENT  
ATTORNEY DOCKET NO. 00654759

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

|                              |   |                 |
|------------------------------|---|-----------------|
| In re Application of:        | ) | Group Art Unit: |
| Maor, et al.                 | ) | 1617            |
|                              | ) | Examiner:       |
| Serial No.: 09/582,522       | ) | Yu, D.          |
|                              | ) |                 |
| Filing Date: August 24, 2000 | ) |                 |
|                              | ) |                 |
| For: A GEL COMPOSITION FOR   | ) |                 |
| SKIN CARE AND PROTECTION)    | ) |                 |
| AND A METHOD OF              | ) |                 |
| PREPARATION THEREOF          | ) |                 |

Mail Stop RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**SECOND RESPONSE TO FINAL OFFICE ACTION OF APRIL 7, 2004**

Dear Sir:

This Response is being filed in response to the Final Office Action mailed April 7, 2004 in the above referenced application.

On July 6, 2004, Applicants submitted a Response and Declaration of inventor, Shlomo Magdassi to address the arguments raised by the Examiner in her Final Office Action. In particular, that Declaration pointed out that: (1) Kyotaro, does not disclose a gel composition, nor how one would make a transparent gel composition, having both Dead Sea water and hydrophobic active agents. (Declaration of July 5, 2004, ¶ 5); (2) Biener, fails to disclose actual Dead Sea water (teaching away from such a component) and does not discuss hydrophobic active agents. (*Id.*, ¶ 6); (3) all of the prior art attempts to combine Dead Sea water and hydrophobic active agents into a gel led to a cloudy, or murky, gel, believed to be due to various chemical

reactions caused by the high electrolyte content of Dead Sea water, or other causes. (*Id.*, ¶ 8); (4) various attempts were made to combine Dead Sea water and hydrophobic active agents to produce a transparent gel, which attempts led to the surprising result that the addition of non-ionic solubilizers would produce a clear gel. (*Id.*, ¶¶ 9-13); and (5) there is no teaching or motivation that adding them to a combination of Dead Sea water and hydrophobic active agents would produce transparency. (*Id.*, ¶ 14).

In an Advisory Action, the Examiner requested further evidence of unexpected results and a more direct comparison of the instant invention with the closest prior art, Kyotaro. Accordingly, Applicant submits the further Declaration of Dr. Magdassi comparing the present invention to the composition of Kyotaro and identifying the favorable results obtained by the present invention.

Applicant first points out that Kyotaro is concerned with a diluted bath and not a gel that permits longer application of the composition to the skin. (Declaration of September 28, 2004, ¶¶ 6-7).

To emphasize that the addition of hydrophobic agents to Kyotaro would not produce a transparent gel, the compositions of Kyotaro were prepared with the addition of vitamin E acetate (a hydrophobic agent). (*Id.*, ¶ 8). The results show that Kyotaro led to a non-gel, non-transparent composition. (*Id.*, ¶ 9).

As set forth in previous declarations and responses, the inventive combination of non-ionic solubilizers with hydrophobic agents in a Dead Sea water composition surprisingly produces a transparent gel. As more particularly set forth in the Response of July 6, 2004 and accompanying Declaration, no motivation in the prior art can be found for this combination of components, and there is no suggestion that a clear gel would be successfully achieved.

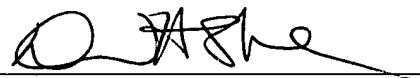
Applicant respectfully request reconsideration of the pending claims. Applicant would welcome the opportunity to discuss the present invention with the Examiner at her convenience to further this case.

If there are any additional fees due in connection with the filing of this response, please charge these additional fees (or credit any overpayment) associated with this communication to our Deposit Account No. 13-0019.

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Dated: September 28, 2004

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'D. H. Shulman', written over a horizontal line.

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